IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE V.K.MOHANAN

TUESDAY, THE 21ST AUGUST 2007 / 30TH SRAVANA 1929

WA.No. 395 of 2003

AGAINST THE JUDGEMENT IN OP.36693/2002 Dated 23/01/2003
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APPELLANT: PETITIONER IN THE O.P.

VIJAYAN V.M., VILLAGEMAN,
VILLAGE OFFICE, KUTTIADY, KOZHIKODE DISTRICT.

BY ADV. SRI.P.K.SURESH KUMAR
SRI.K.P.SUDHEER

RESPONDENTS: RESPONDENTS IN THE O.P.
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1. THE STATE OF KERALA, REPRESENTED
BY ITS SECRETARY, DEPARTMENT OF REVENUE,
THIRUVANANTHAPURAM.

2. THE DISTRICT COLLECTOR, KOZHIKODE.

3. THE REVENUE DIVISIONAL OFFICER,
KOZHIKODE.

4. TAHSILDAR, VADAKARA TALUK,
VADAKARA.

BY GOVERNMENT PLEADER MR.BENNY GERVACIS

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 21/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S.RADHAKRISHNAN & V.K.MOHANAN, JJ.

W.A.No.395 of 2003

Dated, this the 21st day of August, 2007

JUDGMENT

Radhakrishnan, J.

Original Petition was preferred by the appellant herein seeking a writ of mandamus directing the respondents to regularise the service of the petitioner in accordance with the provisions contained in the (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 and also for a direction to the respondents not to terminate the service of the petitioner on expiry of 180 days.

2. The facts would clearly indicate that the appellant was appointed under Rule 9(a)(i) of the Kerala State and Subordinate Service Rules. The learned counsel appearing for the appellant submitted that the appellant is a physically handicapped person and he is entitled for regularisation. The appellant could not produce any Government order or any other rules or regulations which would confer any right on him for regularisation. In the absence of any statutory right, this Court in exercise of its jurisdiction is not justified in giving a direction to regularise the service of the appellant. The learned Single Judge has rightly declined to entertain the writ petition. We fully concur with the view expressed by the learned

Single Judge.

The writ appeal lacks merit and the same is dismissed.

Consequently, C.M.P.No.1212 of 2003 is also dismissed.

K.S.RADHAKRISHNAN, JUDGE

V.K.MOHANAN, JUDGE

vns